

REMARKS/ARGUMENTS

Claims 1-23 are pending in this application. Claims 1-8, 12-14, 17-19 and 23 have been rejected. Claims 9-11, 15, 16 and 20-22 have been objected to, but contain allowable subject matter. Claims 1, 4, 6, 9, 10, 15, 17, 19 and 21-23 have herein been amended. Claims 2, 3, 5, 7, 8, 11-14, 16 and 18, as set forth in the Listing of Claims, have not been amended. Claim 20 has been canceled.

The Examiner is thanked for his full consideration of the Applicant's prior response.

Claims 9-11, 15, 16 and 20-22 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Claims 9, 10, 15 and 22 have been rewritten in independent form including all of the limitations of their base claim and any intervening claims, and are thus now in condition for allowance.

Claim 11 depends from rewritten Claim 10, and is thus likewise in condition of allowance.

Claim 16 depends from Claim 11, and is thus likewise in condition for allowance.

Claim 20, which depended on independent Claim 6, has been wholly incorporated into amended Claim 6 (i.e., rewritten as Claim 6), and as such Claim 6 is now in condition for allowance. For this reason, Claim 20 has herein been canceled.

Claim 21, which previously depended on Claim 20, has been amended to depend from Claim 6, and is thus likewise in condition for allowance.

Claims 7, 8, 12, 13 and 14 each depend directly or indirectly on amended independent Claim 6, and as such, are now in condition for allowance.

Further, in the interest of passing this application to allowance, independent Claims 1, 4, 17, 19 and 23 have each been amended to incorporate the allowable subject matter from Claims 20 and/or 22. It is respectfully submitted that Claims 1, 4, 17, 19 and 23 are likewise now in condition for allowance. Care has been taken to see that no new matter has been added nor issues raised.

Claims 2-3, Claim 5, and Claim 18 depend respectively from amended Claim 1, Claim 4 and Claim 17, and are thus likewise now in condition for allowance.

Accordingly, it is respectfully submitted that Claims 1-19 and 21-23, as set forth above, are now in condition for allowance. An early notice of allowance is respectfully requested.

With respect to the Examiner's claim rejections and response to arguments, Applicant respectfully states as follows:

Claims 1, 4 and 6-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Boyer (U.S. Patent No. 3,755,630). For the following reasons, the Examiner's rejection is respectfully traversed.

Boyer is not the same invention ("identity of invention") as Applicant's Claims 1, 4 and 6-8, and thus does not anticipate the same under the law pertaining to 35 U.S.C. §102.

[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. ... The issue is decided by identifying the elements of the claims, determining their meaning in light of the specification and prosecution history, and identifying corresponding elements disclosed in the allegedly anticipating reference....

An anticipatory reference must clearly and unequivocally disclose the claimed invention or direct those skilled in the art to the claimed invention without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the reference. ... [A]n anticipation must speak affirmatively and with certainty; must disclose the invention without debate; ... (citations omitted) Idacon Inc. v. Central Forest Products Inc., 3 USPQ2d 1079, 1089 (ED Ok 1986). Accord: Glaverbel S.A. v. Northlake Marketing & Supply Inc., 33 USPQ2d 1496, 1498 (CAFC 1995).

The elements of Applicant's Claims 1, 4 and 6-8, as determined or interpreted in light of the specification and drawings, are not anticipated by the cited prior art. Applicant respectfully asserts

that the Examiner's anticipation rejection fails to meet the above identified requirements of the law pertaining to 35 U.S.C. §102.

Applicant repeats and realleges all of the arguments made in its prior Amendment and Response of April 7, 2004, as though fully stated herein. In order to arrive at Applicant's claims, the Examiner's anticipation rejection must equate different elements of Boyer, to different elements of the claims. The Examiner on more than one occasion indicates that those different elements "read on" the elements of the claims. Further, the Examiner's anticipation rejection must create "inherent" elements which are not disclosed in Boyer, but which are claimed in Applicant's claims. Clearly, this is contrary to the requirements of the law pertaining to 35 U.S.C. §102, as cited above. In response to Applicant's prior arguments, the Examiner merely concludes without support that the cited rejection more than adequately meets the claim limitations. Accordingly, Applicant respectfully requests reconsideration and removal of the Examiner's rejection.

Claims 2, 3, 5, 12-14, 17-19 and 23 have been rejected under 35 U.S.C. §103 as being unpatentable over the combination of Boyer in view of De Bortoli et al. (U.S. Patent 3,784,728). For the following reasons, the Examiner's rejection is respectfully traversed.

Again, Applicant repeats and realleges all of the arguments made in its prior Amendment and Response of April 7, 2004, as though fully stated herein. In that response, Applicant enumerated numerous deficiencies with De Bortoli et al., as well as Boyer. The Examiner does not specifically address these deficiencies. Instead, the Examiner rebuts an "argument that De Bortoli is nonanalogous art." Applicant does not believe that such an argument was made in the April 7, 2004 response. Nonetheless, in response to Applicant's arguments, the Examiner again concludes without support that the combination more than adequately meets the claimed limitations. Accordingly, Applicant respectfully requests reconsideration and removal of the Examiner's rejection.

Neither Boyer, De Bortoli et al., nor the prior art of record, either alone or in combination, fairly teach, suggest or disclose the novel and unobvious features of Applicant's claims. Applicant respectfully asserts that the claims as presented herein are in condition for immediate allowance. An early Notice of Allowance is respectfully requested.

Any arguments of the Examiner not specifically addressed should not be deemed admitted, conceded, waived, or acquiesced by Applicant.

Any additional or outstanding matters the Examiner may have are respectfully requested to be disposed of by telephoning the undersigned.

A Petition for an extension of time to make this Response timely is enclosed herewith and respectfully requested.

A Notice of Appeal is enclosed herewith.

A form PTO-2038 is enclosed herewith in payment of the Extension fee, as well as the additional claim fee and the notice of appeal fee. The Commissioner is hereby authorized to charge any additional or deficient fees which may be required to Deposit Account 16-0657.

A postcard is enclosed evidencing receipt of the same.

Respectfully submitted,

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